REMARKS

Claims 1-40 were presented for examination. Applicant hereby amend claims 1-40. Support for the Amended claims can be found on page 3, lines 23-30, page 4, lines 1-8, and figures 4A, 4B and 5A. No new matter has been introduced. Upon entry of this amendment, claims 1-40 will be pending in this application, of which claims 1, 17, 24 and 27 are independent.

All stated grounds for rejection have been addressed in the following comments. Applicant respectfully requests reconsideration and allowance of claims 1-40 in view of the remarks set forth below. Applicant submits that pending claims 1-40 are in condition for allowance.

REJECTIONS UNDER 35 U.S.C. §103

I. Claims 1-5, 8-11, 16-18, 20 and 22-24 Rejected as Unpatentable over Leone and Leurig

Claims 1-5, 8-11, 16-18, 20, 22, 23, 24 are rejected as unpatentable over US Publication No. 2004/0100651 to Leone ("Leone") further in view of US Publication No. 2003/0014368 to Leurig ("Leurig") under 35 U.S.C. §103. Amended claims 1, 17 and 24 are independent. Claims 2-16 depend on and incorporate all of the patentable subject matter of independent claim 1, as amended. Claims 18-23 depend on and incorporate all of the patentable subject matter of independent claim 17, as amended. Applicant respectfully traverses this rejection and submits that Leone and Leurig, alone or in combination, fail to teach or suggest each and every element recited in the claimed invention, as amended.

A. Independent Claims 1 and 24 Patentably Distinguish Over Leone and Leurig

To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. Amended claims 1 and 24 are directed to a method and an article of manufacture, respectively, for controlling image acquisition devices associated with a client. These claims recite a proxy application receiving a command from a server directed to an image-acquisition device associated

with the client. These claims also recite issuing the received command to the associated image acquisition device, receiving a response to the issued command comprising an image from the image-acquisition device and transmitting to the server the received response. Neither Leone or Leurig, alone or in combination, teach or suggest each and every element of the claimed invention as amended.

Leone and Leurig fail to teach or suggest transmitting to the server a received response comprising an image from the image-acquisition device. First, neither Leone nor Leurig describe an image-acquisition device. Instead, Leone and Leurig discuss a proxy applet receiving instructions for a device that is not an image-acquisition device, such as a printer. This is evident in Leone's paragraph [0031] and Leurig's FIG. 3. where Leone and Leurig discuss servers sending printing instructions only to printers. Furthermore, Leone and Leurig do not describe transmitting a response comprising an image. As evident in Leurig's paragraph [0048], Leone and Leurig discuss transmitting a status report comprising text based information instead of images:

> "After printing is complete, printer 110 provides a status response (step 322) to client system 108, which in turn provides a status report to server 104 (step 324) to complete the transaction. Status information for each transmitted page may include, e.g., a status of "submitted", "denied", "approved-waiting to print", "hold", "printed", "printed with error", "deleted", "transmitted", "manually processed" and the like."

Therefore, neither Leone nor Leurig teach or suggest a command to an image-acquisition device nor a response comprising an image.

Because Leone and Leurig, alone or in combination, fail to teach or suggest each and every element of the claimed invention, Applicant submits independent claims 1 and 24 are patentable and in condition for allowance. Claims 2-5, 8-11 and 16 depend on and incorporate all of the patentable subject matter of independent claim 1 as amended. Thus, Applicant submits dependent claims 2-5, 8-11 and 16 are also patentable and in condition for allowance. Accordingly, Applicant requests the Examiner to reconsider and withdraw the rejection of claims 1-5, 8-11, 16 and 24 under 35 U.S.C. §103.

4301831v1

B.   Independent Claim 17 Patentably Distinguished from Leone and Leurig

Amended claim 17 is directed to a method for remotely controlling image acquisition apparatus associated with a client. Claim 17 recites receiving from a client associated with an image acquisition device, via a network, an image acquisition event comprising an image from the image acquisition device and providing the received event to an application program associated with the event. Neither Leone nor Leurig, alone or in combination, teach or suggest each and every element of the claimed invention as amended.

Leone and Leurig fail to teach or suggest receiving from a client associated with an image acquisition device an image acquisition event comprising an image from the image acquisition device. Instead, Leone and Leurig discuss receiving printing instructions for a printer and receiving status reports, neither of which comprise an image. Leone and Leurig further describe sending instructions to a printer, wherein the printer is not an image-acquisition device and the instructions are not an acquired image. (see paragraph [0031] in Leone and FIG. 3 in Leurig). In addition, the status reports sent by the client to the server do not include an image from an image acquisition device. Thus, neither Leone nor Leurig discuss communications between a client and a server comprising an image, acquired from an image acquisition device nor communicating with an image acquisition device.

Because Leone and Leurig, alone or in combination, fail to teach or suggest each and every element of the claimed invention, Applicant submits independent claim 17 is patentable and in condition for allowance. Claims 18, 20 and 22-23 depend on and incorporate all of the patentable subject matter of independent claim 17, as amended. Thus, Applicant submits dependent claims 18, 20 and 22-23 are also patentable and in condition for allowance. Accordingly, Applicant requests the Examiner to reconsider and withdraw the rejection of claims 17-18, 20 and 22-23 under 35 U.S.C. §103.

ADDITIONAL CLAIM REJECTIONS UNDER 35 U.S.C. §103

II.   Claims 3-4, 19, 26-29, 32-35 and 40 Rejected as Unpatentable over Leone, Leurig
        and Admitted Prior Art

Amended claims 3-4, 19, 26-29, 32-35 and 40 are rejected as unpatentable over Leone, Leurig and in further view of Admitted Prior Art (APA) under 35 U.S.C. §103. APA refers to a discussion of Twain architecture in paragraph 2 of Background of the Invention section of the present application. Amended claim 27 is independent. Amended claims 3-4 depend on and incorporate all of the patentable subject matter of independent claims 1, as amended. Amended claims 19 and 26 depend on and incorporate all of the patentable subject matter of independent claims 17 and 24 as amended, respectively. Claims 28-29, 32-35 and 40 depend on and incorporate all of the patentable subject matter of independent claims 27 as amended.

C.   Independent Claim 27 Patentably Distinguished Leone Leurig and APA

Amended claim 27 is directed to a method for controlling image acquisition devices communicating with a client. The claim 27 recites receiving a command from a server directed to an image acquisition device communicating with a client and issuing a TWAIN API call based on the received command to the image-acquisition device communicating with the client. Claim 27 also recites receiving, from the image-acquisition device, a response to the issued command comprising an image and transmitting to the server the received response. Applicant respectfully traverses this rejection and submits that Leone, Leurig and APA, alone or in combination fail to teach or suggest each and every element recited in the claimed invention, as amended.

As with Leone and Leurig, APA also fails to teach or suggest receiving, from the image-acquisition device, a response to the issued command comprising an image and transmitting to the server the received response. Instead, the Examiner refers to APA in paragraph [002] only to include a feature of using a TWAIN API call. However, just as with Leone and Leurig, APA also does not, in paragraph [002] or anywhere else, discuss receiving, from the image-acquisition device, a response to the issued command comprising an image and transmitting to the server the received response. Furthermore, Leone and Leurig both teach printers. Printers do not use TWAIN API for communications since TWAIN API is specifically used for image acquisition devices such as, scanners. Thus APA, alone or in combination with Leone and Leurig, fails to teach or suggest each and every element of independent claim 27 as amended. Likewise

APA also fails to teach or suggest each and every element of independent claims 1, 17 and 24, as amended.

Since Leone, Leurig and APA, alone or in combination, fail to teach or suggest each and every feature of amended claims 1, 17, 24 and 27, Leone, Leurig and APA, alone or in combination, also fail to teach or suggest dependent claims 3-4, 19, 26, 28-29, 32-35 and 40, which depend on and incorporate all patentable subject matter of independent claims 1, 16, 24 and 27, as amended. Applicant submits independent claims 3-4, 19, 26-29, 32-35 and 40 are patentable and in condition for allowance. Therefore, Applicant requests the Examiner to reconsider and withdraw the rejections of claims 3-4, 19, 26-29, 32-35 and 40 under 35 U.S.C. §103.

DEPENDENT CLAIM REJECTIONS UNDER 35 U.S.C. §103

III.   Claims 2, 6-7, 12-15, 21, 25, 30-31 and 36-39 Rejected as Unpatentable over Leone, Leurig, Wei, Peterson, Dellert and APA

Claims 2 and 25 are rejected as unpatentable over Leone, Leurig and in further view of the US Patent 6,654,784 to Wei ("Wei") under 35 U.S.C. §103. Claims 6-7 and 30-31 are rejected as unpatentable over Leone, Leurig and in further view of the US Patent 7,095,905 to Peterson ("Peterson") under 35 U.S.C. §103. Claims 12-15 and 21 are rejected as unpatentable over Leone, Leurig and in further view of the US Patent 5,267,051 to Dellert ("Dellert") under 35 U.S.C. §103. Claims 36-39 are rejected as unpatentable over Leone, Leurig, Dellert and APA. Claims 12-15 and 21 depend on and incorporate all of the patentable subject matter of independent claims 1 and 17 as amended, respectively. Claims 36-39 depend on and incorporate all of the patentable subject matter of independent claim 27, as amended. Claims 2 depends on and incorporates all the patentable subject matter of independent claim 1, as amended. Claim 25 depends on and incorporates all of the patentable subject matter of independent claim 24 as amended. Claims 6-7 and 30-31 depend on and incorporate all of the patentable subject matter of independent claims 1 and 27 as amended, respectively. Applicant respectfully traverses this rejection and submits that Leone, Leurig, Wei, Peterson,

Dellert and APA alone or in combination fail to teach or suggest each and every element recited in the claimed invention, as amended.

As with Leone and Leurig, Wei, Peterson, Dellert and APA fail to teach or suggest transmitting to the server a received response to the issued command comprising an image from the image-acquisition device, receiving a response to the issued command comprising an image from the image-acquisition device and transmitting to the server the received response, as taught by independent claims 1, 24 and 27 as amended. Instead as Examiner acknowledges, Wei in column 4, lines 25-35, discusses the communication between a client and a server through protocols such as X-Windows Protocol, Microsoft Remote Display Protocol or Citrix Independent Computing Architecture. Peterson, on the other hand, discusses transmitting commands comprising indications to suppress displaying of a dialog box relating to transmissions of web pages and images. Dellert discusses compressing image data using a two-dimensional image compression in column 4, lines 25-30 and associating transmitted signals with respective pixel locations and demultiplexing data into subarrays in column 3, lines 1-10. APA is referred to by the Examiner only to include usage of TWAIN architecture and TWAIN API calls in a system, which does not in any way detract from the patentability of the claimed invention. Thus, Wei, Peterson, Dellert and APA, alone or in combination with Leone and Leurig, fail to teach or suggest transmitting to the server a received response to the issued command comprising an image from the image-acquisition device and receiving, from the image-acquisition device, a response to the issued command comprising an image and transmitting to the server the received response.

Since Leone, Leurig, Wei, Peterson, Dellert and APA alone or in combination, fail to teach or suggest each and every feature of amended claims 1, 17, 24 and 27 as presented above, Leone, Leurig, Wei, Peterson, Dellert and APA alone or in combination, also fail to detract from the patentability of dependent claims 2, 6-7, 12-15, 21, 25, 30-31 and 36-39. Applicant submits dependent claims 2, 6-7, 12-15, 21, 25, 30-31 and 36-39 are patentable and in condition for allowance. Applicant requests the Examiner to reconsider and withdraw the rejections of claims 2, 6-7, 12-15, 21, 25, 30-31 and 36-39 under 35 U.S.C. §103.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicant contends that each of the Examiners rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicant respectfully requests reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicant's attorney would expedite prosecution of this application, the Examiner is urged to contact the Applicant's attorney at the telephone number identified below.

Respectfully submitted,

CHOATE, HALL & STEWART, LLP

Dated: April 15, 2008

/John D. Lanza/
John D. Lanza
Registration No. 40,060
Attorney for Applicant

Choate, Hall & Stewart, LLP
Two International Place
Boston, MA 02110
(617) 248-5000

4301831v1